

REMARKS

In the Official Action mailed on **December 4, 2003**, the examiner reviewed claims 1-33. Claims 1-33 were rejected under 35 U.S.C. 102(e) as being anticipated by Boneh, et al. (USPN 6,134,660, hereinafter "Boneh").

Rejections under 35 U.S.C. §102(e)

Independent claims 1, 12, and 23 were rejected as being anticipated by Boneh. Applicant respectfully points out the Boneh teaches encrypting only **information that is being stored on a backup medium** but not information that is stored in local files so that this information stored on the backup medium can be deleted by simply deleting the encryption key that was used to encrypt the information prior to the backup (see Boneh, col. 3, lines 5-27). The system of Boneh provides persistent storage for unencrypted information within the system memory (see Boneh FIG. 2 and col. 4, lines 17-22). Note that the encryption device 210 is positioned outside of server 102 where it is not available to encrypt files that are stored in the file system of the server.

In contrast, the present invention **encrypts information that is stored in persistent memory** and does not allow non-encrypted information to be stored in persistent memory (see page 9, lines 9-17 of the instant application). Not storing unencrypted information in persistent memory is important in preserving the integrity of the information retention policy implemented by the retention manager. There is nothing within Boneh, either explicit or implicit, which suggests encrypting information that is stored in persistent memory and not allowing non-encrypted information to be stored in persistent memory.

Accordingly, Applicant has amended independent claims 1, 12, and 23 to clarify that the present invention encrypts information that is stored in persistent memory and does not allow non-encrypted information to be stored in persistent

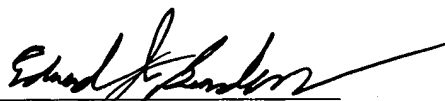
memory. These amendments find support on page 9, lines 9-17 of the instant application.

Hence, Applicant respectfully submits that independent claims 1, 12, and 23 as presently amended are in condition for allowance. Applicant also submits that claims 2-11, which depend upon claim 1, claims 13-22, which depend upon claim 12, and claims 24-33, which depend upon claim 23, are for the same reasons in condition for allowance and for reasons of the unique combinations recited in such claims.

CONCLUSION

It is submitted that the present application is presently in form for allowance. Such action is respectfully requested.

Respectfully submitted,

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